

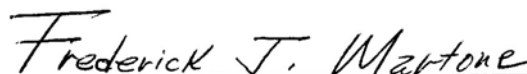
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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
8

9 United States of America,) CR 11-2224-PHX-FJM
10 Plaintiff,) **ORDER**
11 vs.)
12)
13 Raul Avila-Ramirez,)
14 Defendant.)

15 The court has before it the Magistrate Judge's Report and Recommendation (doc. 39),
16 in which he concludes that the defendant is indeed competent to proceed. We have examined
17 the initial Evaluation of Dr. Walter dated January 6, 2012 (doc. 22), Butner's Forensic
18 Evaluation dated August 13, 2012 (doc. 34), and Butner's Addendum dated September 27,
19 2012 (doc. 36).

20 We conclude that Dr. Walter's original opinion was erroneous, that the defendant was
21 never incompetent to proceed, and that the Butner evaluations indicate that the defendant is
22 well aware of the charges against him and is able to assist in his defense. He just has the
23 "enduring character trait" of deceit. Doc. 36 at 6. I find the defendant competent to plead,
24 stand trial and proceed in this case. I thus accept the Recommendation of the Magistrate
25 Judge. (Doc. 39).

26 DATED this 5th day of November, 2012.

27 

28 Frederick J. Martone
United States District Judge